

APPROVED: Meeting No. 40-84

ATTEST:



MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 37-84

October 22, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 22, 1984, at 8:00 p.m.

PRESENT

Mayor John K. Freeland

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, 11

ABSENT

Councilman Steve Abrams
(Away on Private Business Travel)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

The City Manager reported the following:

1. The American Electronics Association has released information saying that Rockville ranks first among Maryland cities when it comes to electronics and information technology companies with 43. Gaithersburg has 19 companies followed by Baltimore with 18, Bethesda and Columbia with 14 each.
2. There were 300 registered cars at the Antique Car Show last Saturday; approximately 3,000 spectators. The Mayor and Council trophy for best car was awarded to Mr. Bud Potter of Rockville for his 1930 Essex Boat-Tail Roadster.

3. There were 500 participants in the 10 kilometer Lung Kun last Sunday. The winners were Pat Key with a time of 32.07 in the Men's Division and Donna Elliot with a time of 41.43 in the Female Division.

4. The City's Water Plant Supervisor has completed the training of the Water Plant Operators under the techniques of Alum Conservation and brought about an annual lye saving and chemical cost of approximately \$3,000.

Re: Appointments

Mayor Freeland announced the following appointment. It was confirmed by the Council:

Human Rights Commission: Linda Thompson - appointed - four-year term
311 Dean Drive

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Harry E. Taylor, re tree planting (and response)
2. County Executive Gilchrist, re Dover Road signal

Councilwoman Hovsepian suggested the City's 1/3 contribution to the cost of the Dover Road signal be included in the mid-year budget process and asked that this be communicated to the County. The Mayor and Council agreed to this.

3. Harlow D. Osborne, re presentation to Mayor and Council

Councilwoman Hovsepian asked that this be placed on a Mayor and Council agenda soon. The Mayor and Council agreed.

4. Mayor Tolbert, re Barnesville, re Statue of Liberty
5. Gray Panthers, re tax on Social Security benefits

Councilwoman Hovsepian asked that a letter on behalf of the Mayor and Council be sent protesting the tax on social security benefits. The Mayor and Council agreed.

6. Rockville High PTSA, re Student Government Days

Councilwoman Hovsepian asked if this can be done for all three schools. The City Manager said as soon as the program is set up there will be communication to the three schools.

7. Duane Hand, re Chapter 27, revisions

Councilwoman Hovsepian suggested this be directed to the sign ordinance. Councilman Tyner explained it pertained to the Amusements Regulations. The City Manager said the staff will check into the zoning.

8. American Legion, re Raise the Flag total contributions

9. Leah Barnett, Planning Commission, re Kitchie Parkway Environmental Assessment

Re: Information Items

The Mayor and Council noted the following items of information:

Councilwoman Hovsepian said she attended the Lincoln Park Food Fair.

1. Memo from City Attorney re Ralph v. Mayor and Council
2. City Manager's response to Wootton High School lighting request
3. Copy of brief for appeal of Woodmont CC v. Mont. Co. & Mayor & Council
4. Press Release on Town Center
5. Chronology of Westmont
6. Memo from Board of Elections re registration and election matters
7. Memo from City Manager re Humanities Commission

Councilman Tyner suggested that the Council following the staff's suggestion and disband the Humanities Commission. Councilman Duncan commented that the Chairman is interested in reviving the Commission and he would like her to explore it further if more time is given. Councilman Tyner said he had no problem with that. Councilman Duncan asked that it be placed on the November 19 agenda. The Mayor agreed and asked that the same memo be sent to the Council.

8. Memo from Police Chief re traffic matters
9. FY 85 First Quarter Swim Center Revenues
10. Response to citizen request
11. Information on Planning Area 12
12. Letter complimenting City employee
13. Response from Board of Education re buses at Treatment Center
14. Copy of letter from County Executive re Municipal Revenue sharing with check

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Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 34-84, October 2, 1984, were approved as written.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Harlow Osborne. Mr. Osborne said he was asked by Councilman Abrams to come and comment this evening on a meeting held by Councilman Abrams with Mr. Osborne and representatives of Bechtel Engineering, Mr. Zimmerman and Mr. Bradshaw. The discussion centered on the loan by Bechtel to the City of their pool vans for a project that would allow people to shop in a radius around the Metro station. There will be a further meeting with Barwood Taxi and the Traffic and Transportation Commission to discuss it. Mr. Lowell Baier, a local developer, has been brought in on the discussions and will assist in a demonstration run. They will be pursuing it in the meantime. The City Attorney has been asked to work out the legal questions. The Mayor and Council thanked Mr. Osborne for this information.

2. D. Terselic addressed the Council concerning Chapter 27, Division 5 and said that adoption of this new law could discourage business. He distributed information to the Council addressing specific points in the ordinance. He also suggested that the Licenses and Inspection Department should hand out information to people when permits are issued concerning sign laws, vending provisions, etc. since this would be more helpful. He noted he will remain this evening for the Council's work session to answer any questions.

There being no other citizen wishing to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

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Re: Approval of
Recommendations for
use of Community
Development Block
Grant (CDBG) funds

Project	CDBG Committee Recommendation	Final Staff Recommendation
Rockville/FISH Psychiatric Clinic To provide assistance for "Street People"	\$ 5,000	\$ 5,000
Rehabilitation Loans/Grants - Paint Program	\$228,400	\$198,400
Rockville Housing Authority - Ridge Vents, Dehumidifiers Drains	\$ 15,000	\$ 15,000
Urban Renewal Closeout Activities	\$ 35,000	\$ 35,000
CDBG Administration Costs	\$ 35,000	\$ 35,000
Lincoln Park Citizens Association - Pre-headstart and After School Tutoring Program	\$ 22,619	\$ 22,619
Senior Center Improvements - Exhaust Fan	\$ 8,500	\$ 8,500
Public Sound System	2,000	2,000
A/C for West Wing Meeting Room	15,000	15,000
Site Improvements/New Addition to Grounds	30,000	30,000
Park Improvements/Concrete Repairs		
A. Lincoln Park	\$ 16,350	\$ 16,350
B. David Scull Park	23,000	23,000
C. Hillcrest Park	15,000	15,000
D. A&E Fees	7,631	7,631
Civic Center Handicapped Restrooms	-0-	\$ 30,000
Family Services In-home Mental Health Assistance to Elderly	16,500	\$ 16,500
Shelter for "Street People"	\$ 12,000 (less any expenses for Committee)	\$ 12,000
TOTAL	\$495,000	\$495,000

The Council noted that the CDBG Committee recommendation was for no funding of the Civic Center Handicapped Restroom and that is the only point different from the staff's recommendation. It was the Council's feeling that the money

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should be put into the Loans and Grants programs instead of the restrooms. The City Manager said the staff had no problem with this since it would be reviewed again with the 1986 CIP. At that time the staff will have an experience rate of loan and grant usage since the eligibility levels are changing.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the CDBG/Committee recommendations.

Re: Revision of Income
Limits for CDGB Loans
and Grants

Proposed CDBG Program Changes - Income limits and interest rates

Deferred Loan - Payback only if house is transferred within 5 years

<u>Family Size</u>	<u>Max. Gross Income*</u>	<u>% City Contribution</u>
1	\$12,550	100%
2	\$14,300	100%
3	\$16,100	100%
4	\$17,900	100%
5	\$19,350	100%
6	\$20,750	100%
7	\$22,200	100%
8	\$23,650	100%

0% Interest Loan

<u>Family Size</u>	<u>Max. Gross Income*</u>	<u>% City Contribution</u>
1	\$12,501 - 16,500	32%
2	\$14,301 - 18,500	32%
3	\$16,101 - 20,500	32%
4	\$17,901 - 21,500	32%
5	\$19,351 - 23,500	32%
6	\$20,751 - 24,500	32%
7	\$22,201 - 26,500	32%
8	\$23,650 - 27,000	32%

3% Interest Loan

<u>Family Size</u>	<u>Max. Gross Income*</u>	<u>% City Contribution</u>
1	\$16,501 - 18,900	Approx. 25%
2	\$18,501 - 21,600	Approx. 25%
3	\$20,501 - 24,300	Approx. 25%
4	\$21,501 - 27,000	Approx. 25%
5	\$23,501 - 28,700	Approx. 25%
6	\$24,501 - 30,400	Approx. 25%
7	\$26,501 - 32,050	Approx. 25%
8	\$27,501 - 33,750	Approx. 25%

The above contributions are based on the current interest rate at participating banks of 16%.

The DEFERRED LOAN limit increased to \$15,000.

The REGULAR LOAN limit increased to \$15,000.

* The income limits will automatically adjust in direct proportion to changes in the Section 8 low income limits for the Washington Metropolitan Area as they are periodically approved by the U.S. Department of Housing and Urban Development.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the income limits proposed by staff were approved by the Mayor and Council.

Councilman Tyner asked if there would be further tightening of the requirements. Mr. Horne said at this time staff does not know.

Re: Reconsideration of
Road Abandonment
decision, SCA-48-84,
Westmore Road,
Harrison Properties,
Inc., Applicant

An application has been filled by Harrison Properties for reconsideration in connection with the Street Closing and Abandonment Application, SCA-48-84. Under the City's Road Closing and Abandonment Ordinance, an application for reconsideration may be filed within twenty days of adoption of the street closing ordinance.

Councilman Tyner said that he does not favor reconsideration unless staff has anything to add. The City Attorney said no new information has been received by the staff. Councilwoman Hovsepian asked if this were not approved, would the overpass be affected. The City Manager explained that it would not be located there since the easement is 300 feet south.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, (Mayor Freeland abstained) the application for reconsideration was denied.

Re: Decision and
Instructions to Staff
re: Text Amendment
Application, T-59-84,
Mayor and Council of
Rockville, Applicant,
amending the text of
the zoning ordinance
so as to make City
child care regula-
tions compatible with
those of Montgomery
County

Montgomery County allows up to six children in a home day care center without a special exception. State licenses permit up to six children in a home center. The City Zoning Ordinance, however, allows only five children in a home day care center. Centers caring for more than five children in Rockville require a special exception in all zones except the TCM-1 and TCM-2, Town Center Mixed Use Zones.

The one-child difference between the City Ordinance and the County Ordinance and State registration standards can cause confusion among persons who care for children in their homes. The difference may cause day care operators to violate the City Zoning Ordinance because their state license permits six children. The current cost to a City resident for a special exception to legally care for the one extra child is \$200.00.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the staff was asked to prepare the necessary legal documentation to grant Text Amendment T-59-84.

Re: Decision and
Instructions to staff
re: Permit Parking
Districts Twinbrook
Neighborhood and East
Rockville Neighbor-
hood - Areas that
will be impacted by
the opening of the
Rockville and Twin-
brook Metro Stations.

A map was provided to the Council clearly outlining the areas in color that would be affected by the Permit Parking Zone.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, staff was instructed to prepare resolutions to grant the parking permit district in the area shown in yellow and green on the maps from 8 a.m. to 5 p.m., five days a week.

Re: Award of Contract:
Bid No. 19-85, Water
Plant Maintenance

Bids were opened at 3:00 p.m., September 24, 1984, in the Boards and Commissions Room of City Hall for the subject project which was to include furnishing labor and materials to remove approximately 68,000 gallons of liquid from the finished water clearwell. The IFB was issued to 22 companies.

Only one company submitted a bid. J-P Seworotor, Inc., submitted a bid in the amount of \$24,750.00. The Engineer's Estimate was \$10,000.00.

The Contract Officer investigated the reasons why only one bid was received and why it was more than 100% above the Engineer's estimate. The Contract Officer sampled the companies on the original mailing list and confirmed two major difficulties in the Invitation for Bid. First, the Invitation for Bid required that the company receiving the award be responsible for finding an

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approved dump site for the lime material currently in the clearwell. Several companies indicated that without the requirement for dumping the materials those companies would have submitted a bid around \$10,000.00.

The Water Treatment Plant Supervisor also reviewed the specifications in the Invitation for Bid and investigated the problem of a dump site. As a result of his investigation, it was determined that the scope of work might be reduced and the City might be able to assist the companies in locating a dump site. As a result, the City should be able to increase competition and lower the cost of the project.

In addition, the Water Treatment Plant Supervisor is investigating the possibility that the City may be able to accomplish the project in-house within Budget.

Inasmuch as the one bidder submitted a bid far in excess of the costs budgeted by the City for the project, it is hereby recommended that the Invitation for Bid 19-84 be cancelled and the one bid from J-P Seworotox Inc., be rejected. In addition, it is recommended that the Public Works Department further investigate changing the specifications to obtain better competition for a new Invitation for Bid and investigate the possibility of completing work in-house.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, Bid No. 19-85, was cancelled and the one bid received was rejected.

Re: Award of Contract:
Bid No. 29-84, Right-
of-way Trees.

Invitation for Bid No. 29-84, was issued for the purchase of trees to be planted on the City Street Right-of-Way.

The City designated the specie and caliper of the trees to be planted and

allowed for substitutions. The City reserved the unilateral right to accept or reject any substitutions. None of the companies listed below except Paul E. Schlosser Company submitted a substitution. Paul E. Schlosser's suggested substitution of White House Pears with pine oaks, Gingkos, or Yoshiro Cherry. Inasmuch as the City's intent was to allow substitutions on the White House Pears only if no company bid on that tree, Paul E. Schlosser's recommended substitutions were rejected.

All of the bids listed below are those prices received without substitutions:

<u>Company</u>	<u>Total Bid</u>
C&C Landscaping, Lamascus, Maryland	\$55,880.00
Paul E. Schlosser, Silver Spring, Maryland	\$64,963.62
Last Impressions, Glenn Dale, Maryland	\$65,320.50
W.H. Boyer, Glenwood, Maryland	\$65,902.31
Campbell & Ferrara, Alexandria, Virginia	\$78,480.00
J.H. Burton & Sons, Hyattsville, Maryland	\$82,857.00
Greenbrier Farms Landscaping, Inc., Chesapeake, VA	\$83,089.50
Middleton Landscaping, Co., Inc., Gaithersburg, MD	\$91,480.00

C & C Landscaping has previously been awarded contracts by the City and has satisfactorily performed in the past.

Staff recommends that award be made to C & C Landscaping in the amount of \$55,880.00.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Bid No. 29-85, was awarded to C & C Landscaping Company in the amount of \$55,880.00 and the Mayor and Council will increase the appropriation by \$3,380 at mid-year for right-of-way tree replacement.

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Re: Resolution: To
 approve a request for
 waiver of Section 7-
 1.05e of the Road
 Construction Code
 requirements to allow
 construction of a 10
 ft. wide asphaltic
 concrete driveway in
 the unimproved
 portion of Joseph
 Street with entrance
 on Maple Avenue

Resolution No. 35-84

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Resolution No. 35-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, was adopted, waiving the Road Construction requirements.

Re: Adoption of
 Ordinance: To
 amend Appropriations
 Ordinance FY 85

Ordinance No. 36-84

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 36-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending the Appropriations Ordinance for FY 85, was adopted by the Mayor and Council.

Councilwoman Hovsepien commented this is simply a technical supplement and no additional dollars are being spent.

Re: Receipt of Housing
 Policy Task Force
 Report

Mr. Don Boebel of the Housing Policy Task Force, submitted to the Mayor and Council the completed Housing Policy Task Force Report. He thanked all who worked on this, particularly Mr. Edward Duffy. Councilman Tyner asked that staff submit a cost of carrying out the policy in time for the hearing so

that the Mayor and Council could look to a real document and not just a set of goals. He thanked Don and all the members who worked on it and suggested that the documents be mailed, in addition to the list prepared, to those people who worked on the convocation.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the schedule was approved with a hearing date set for Tuesday, December 11.

Re: Work Session:
Vendors and
Amusements
Regulations

The Council was furnished with an amended ordinance on Chapter 27, Vendors and Amusements regulations and continued the work session by making technical changes. The staff was instructed to examine ways to amend the zoning ordinance to allow for an outside vendor with the property owner's permission and bring this back as soon as possible. Councilman Tyner asked if the fees the staff are preparing are in line. Mr. Groff said they are the same as Gaithersburg's and Montgomery County. Councilwoman Hovsepian suggested the City might want to go lower than the County since the City's amusements tax is higher than the County's. Councilman Duncan suggested that the City's fee match the County's and look at the amusement tax in the future. The City Manager agreed that could be done since all of the revenues will be examined at the same time. The Mayor cautioned that the fees should handle the administrative costs and not be revenue producing. The Mayor and Council agreed to this. The ordinance will be brought back with any changes for Council consideration and adoption at the next meeting.

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Re: Executive Session

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss property disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 9:55 p.m. to convene again in executive session at 7:30 a.m. on Monday, October 29, 1984, or at the call of the Mayor.